



No. GLR- (LR) - 4/2013/HML

State Special Office,
Govt. Land Resumption,
Public Office Buildings,
Museum Jn,
Thiruvananthapuram,

glrhmlr@gmail.com, Dated: 24.9.2016.

From,

M.G. RAJAMANICKAM I.A.S,
The Special Officer & Collector,
Govt. Land Resumption.

To,

1. **The Additional Chief Secretary,**
Home Department,
Govt. Secretariat,
Thiruvananthapuram.
2. **The Additional Chief Secretary,**
Finance Department,
Thiruvananthapuram.
3. **The Principal Secretary,**
Revenue (A) Department,
Thiruvananthapuram.

Sir,

Sub:- Kerala Land Conservancy Act, 1957 – The British Company, M/s Malayalam plantations (Holdings) Ltd. is in continuation of land occupation in Kerala through M/S Harrisons Malayalam Ltd - Report submitted - reg.

Ref:- Reference Order of 25.11.2015 by the Hon`ble High Court in WP(c) Nos. 7711/2013, 33122/2014 5510/15, 10320/15, 10640/15, 10962/15 & 11598/ 2015, dated 25.11.2015.

Kind attention is invited to the reference cited. From the evidences gathered from the official website of the Companies House of the Government of the United Kingdom it seems that the British company now known as The Malayalam Plantations (Holding) Ltd

incorporated in England on 23.08.1977 under the Companies Act 1948 as amended by the Companies Act 1976 is in continuation of land occupancy in Kerala through M/S Harrisons Malayalam Ltd. The company number is 01326834 and the type of company is shown as the private company Ltd. The Registered office is situated at 102 Park Lane, Croydon, Surrey, CR 01 JB in the United Kingdom. The copy of the certificate of incorporation is produced as **ANNEXURE - A**.

The Annual Return dated 16.06.2016 as received by the Companies House also includes the notes to the Financial Statements for the year ended 31st December 2014. ***The paragraph No. 12 of the notes explains that M/S Malayalam Plantations (Holdings) Ltd has its fixed asset investments in the Indian Companies, M/S Harrisons Malayalam Ltd, CESC Limited and Sentinel Tea and Exports Limited in which Mr. S. Goenka is also a director and share holder.*** From the above statement it can be concluded that the foreign company, M/S Malayalam Plantations (Holdings) Ltd has been occupying Government land in Kerala through M/S Harrisons Malayalam Ltd, a company registered in India under the Indian Companies Act, 1956. The copy of the Annual Return, dated 16.06.2016, and the Balance Sheets and notes, dated 31.12.2014, are produced as **ANNEXURE -B**. The notes on financial statement also show a control company of the above companies. The control company is the ultimate parent company known as the **Ambledown Investment Limited, a company registered in Guernsey, Channel Islands. The ultimate controlling party is Mr. Anthony Guinness by virtue of his ownership of 100% of the issued share capital of Ambledown Investment Ltd. Guernsey is a British Crown dependency in the English Channel, is one of the Channel Islands. Ambledown Investment Ltd was registered on 05.9.2005.** The company details are shown as **ANNEXURE : C**.

From the above evidences it can be presumed that M/S Harrisons Malayalam Ltd could have been misleading all Indian Judiciary, Statutory Authorities, the Government of Kerala and the public as a whole. The main contention of M/S HML as filed before all the Indian Judicial Courts, Government and Special Officer is summarised as below.

According to M/S HML their immediate predecessor is M/S Malayalam Plantations (UK) Ltd, a company incorporated in England under the English Companies (Consolidation) Act, 1908. The foreign company was incorporated in 1921. The predecessor company had obtained the land from M/S Malayalam Rubber & Produce Company (UK) Limited. M/S

Malayalam Plantations (UK) Limited continued to occupy the properties in Kerala with leasehold and freehold rights. They again argued and stated that for complying with the requirements under the Foreign Exchange Regulation Act, 1973 (FERA, 1973), an Indian Company was registered in 1978 under the Companies Act 1956, as M/S Malayalam Plantations (India) Limited and all assets, liabilities and business of the English Company, M/S Malayalam Plantations (UK) Ltd were transferred to the Indian company in 1979. They also claimed that they had obtained all clearances from various Government Agencies including the Reserve Bank of India under FERA. And, they stated that based on a Scheme of Arrangement approved by the Hon`ble High Court of Kerala in C.P. No. 25 of 1978 the merging of assets was completed. A trading company by name M/S Harrisons & Crossfield (India) Limited (formerly a company registered in England) had merged with M/S Malayalam Plantation (India) Ltd in 1984 based on another scheme of Arrangement approved by the Hon`ble High Court of Kerala in C.P. No. 13 of 1983 and consequently the name of the company was changed into M/S Harrisons Malayalam Ltd in 1984. They again stated that M/S Harrisons Malayalam Ltd inherited all the assets occupied and possessed by the above foreign companies. They argued that the holding of all the properties in Kerala was in compliance with the laws of the land and with the approval of the Hon`ble High Court of Kerala, wherever needed. The copy of the Memorandum and the Article of Association of M/S HML is produced as **ANNEXURE - D**.

Malayalam Plantations (Holding) Ltd was incorporated only on 23.08.1977. The country of origin is shown as the United Kingdom. The previous name details are answered that no previous name information was recorded over the last 20 years. But in India, before the Registrar of Companies, Government Statutory Authorities and before the Indian Judiciary, M/S HML has pledged that M/S Malayalam Plantations (UK) Ltd., incorporated in England in 1921, is their predecessor in interest. Further they have also claimed that all assets and liabilities of that foreign company had been merged and transferred to the Indian company. It seems a completely fraudulent statement since the winding up and disposing of the property belonging to the company Malayalam Plantations (UK) Ltd had begun only during the years 1986 and 1987 as per the London Gazette. Further the present foreign company Malayalam Plantation (Holding) Ltd was incorporated only in 1977 and it had no previous name as per the company return filed before the Companies House of Great Britain. The above facts throw doubt on the fact that the foreigners, in conspiracy with some Indian

individuals and officials have registered a company in England in 1977 only for grabbing the property of the Government of Kerala. The copy of the declaration filed by M/S Malayalam Plantations (Holding) Ltd is produced as **ANNEXURE : E**. M/S HML pledged and stated that all properties of M/S Malayalam Plantations (UK) Ltd were merged into the company. At the same time Malayalam Plantations (Holdings) Limited, incorporated in England in 1977, has stated in their return that they have fixed assets in India through M/S Harrisons Malayalam Ltd. In short it has to be verified whether M/S HML is a benami company of the foreign company M/S Malayalam Plantations (Holdings) Ltd. If so the provisions of the Benami Transactions (Prohibition) Act, 1988, is also applicable to these companies.

The above evidences, realities and facts pose a very serious question whether the foreigners are still occupying the property of the state indirectly through the benami company, M/S Harrisons Malayalam Ltd. ***Sri. Sanjay Goenka was one of the directors of the foreign company. He became one of the Directors on 24.6.2010. His directorship was terminated from M/S Malayalam Plantations (Holdings) Ltd on 23.06.2015.*** The copies of admission and termination papers are shown as **ANNEXURE : F**. The details of the other foreign directors as filed in the Annual Return dated 17.06.2014 are produced as **ANNEXURE : G**.

Another, shocking evidence is the details obtained from the **London Gazette** published by **the Authority of the United Kingdom**. Notice No. 316 of the Gazette dated 23.12.1986 shows that the company, Malayalam Plantations Limited had appointed its Liquidators whose names were Mr. Leslie Eric Gibson and Sydney Frederick Riddals, 1 - 4 Great Tower Street, London, EC3R 5AB and the date of appointment was on 12.12.1986. The copy is produced as **ANNEXURE - H**. The notice No. 275 of the Gazette dated 16.01.1987 shows that pursuant to section 585 of the Companies Act 1985 (UK), that a General Meeting of the Members of M/S Malayalam Plantations Ltd would be held at 1 - 4 Great Tower Street, London EC3R 5AB on Thursday, the 19th Feb. 1987. It was for showing the manner in which the winding - up had been conducted and the property of the company disposed of, and of hearing any explanation that might be given by the Liquidators. The copy of the notice is shown as **ANNEXURE - J**

But the company registration details of M/S Harrisons Malayalam Ltd show that in 1978, when M/S Malayalam Plantations (India) Ltd was incorporated in India under the

Companies Act, 1956 and all assets, liabilities and business of the M/S Malayalam Plantations (UK) Ltd were transferred to the above Indian company. Evidently the London Gazette notice shows that M/S Malayalam Plantations (UK) Ltd was winding - up and disposing the property of the company only during the period 1986 and 1987. And, there is no evidence of the registration of transfer of immovable properties in Kerala. It is prima facie seen that M/S Harrisons Malayalam Ltd might have deluded the Indian Company Registration Authorities and the Hon`ble High Court, who approved the scheme of Arrangement in C.P.Nos. 25/1978 and 13/1983 with conditions which were never complied with by M/S HML.

Meanwhile another company known as M/S Malayalam Plantations Ltd was incorporated in India in the same address of the registered office of M/S HML on 18.02.2011 and two of its directors are Sri. Velayudhan Venugopal and Sri. Vinaya Rahavan. They are also the managers of M/S HML. The company details are produced as **ANNEXURE : K**. The formation of the new company with the same name also arises many doubts and questions.

The evidences of a possibly occurring land grab in Kerala by foreign companies in connivance with M/S Harrisons Malayalam Ltd. are as follows.

- As per the indentures or agreements held by the foreign companies, nearly 75,000 acres of Government freehold and leasehold (including private) land was occupied by M/S Malayalam Plantations (UK) Ltd in Kerala. The company was incorporated in 1921 under the English Companies (Consolidation) Act, 1908.
- After the Indian Independence in 1947 and the coming up of FERA, 1947, the above company left India.
- In 1977, M/S Malayalam Plantations (Holdings) Ltd was incorporated in England and its annual return of 2014 shows that they have fixed assets in India through the Indian Company, M/S Harrisons Malayalam Ltd. which was incorporated in 1984.
- M/S Malayalam Plantations (India) Ltd was incorporated in India by amalgamating all assets and properties of M/S Malayalam Plantations

(UK) Ltd in 1978. The Hon`ble High Court approved the scheme of arrangements vide C.P. No. 25/1978.

- Merging the properties of another company, M/S Harrisons & Crossfield (UK) Ltd in M/S Malayalam Plantations (India) Ltd in 1983 with the approval of the Hon`ble High Court vide C.P.No. 13/1983 with strict conditions which were never complied with by M/S HML and consequently the name of the company was changed as M/S Harrisons Malayalam Ltd in 1984.
- The London Gazette shows that M/S Malayalam Plantations Ltd. was wound - up and dissolved only during the years 1986 and 1987.
- In 2005 a parent control company was registered in the Channel Islands known as Ambledown Investment Ltd.
- In 2011 another company, M/S Malayalam Plantations Ltd. was incorporated in India in the same address of M/S Harrisons Malayalam Ltd and 2 of its Directors are Sri. V.Venugopal and Sri. Vinaya Raghavan who are also the authorities of M/S HML.
- There is no evidence of the registration of transfer of immovable properties in Kerala.

Meanwhile The Special Officer & Collector issued 18 proceedings under Rule 11 of the Kerala Land Conservancy Rules, 1958, against M/S Harrisons Malayalam Ltd, its assignees and other intruders who occupy Government land which had been occupied by M/S Malayalam Plantations (UK) Ltd prior to Indian Independence. The above proceedings include an extent of 38,170.92 Acres of land in 4 districts namely Kollam, Pathanamthitta, Kottayam and Idukki. The status - quo of these proceedings is being maintained as per the direction of the Hon`ble High Court of Kerala. At the same time the occupant companies and other persons have been directed not to encumber, transfer or cut the trees regarding the land under the above proceedings.

The Hon`ble High Court have issued its Reference Order in the Writ Petitions shown in the reference cited. The single Judge has decided to refer these Writ Petitions to be heard by the Division Bench of the Hon`ble High Court only due to the facts that various courts and the quasi judicial authorities like the Land Tribunals and the Land Boards had declared that M/S Malayalam Plantations (UK) Ltd was the cultivating tenant in Kerala under the

provisions of the Kerala Land Reforms Act, 1963. And, the companies had obtained many favourable judgments of the courts.

WP(C) Nos. 7711/2013, 33122/2014, 5510/2015, 10320/2015, 10640/2015, 10962/2015 and 11598/2015; were filed by M/S Harrison's Malayalam Ltd, its transferees and others who occupy Government land. The petitioners have challenged the above proceedings under Kerala Land Conservancy Act, 1957.

According to the High Court the impugned proceedings in these cases relate to resumption of huge extent of land from HML and its assignees lying in 7 districts in the state. HML is a company incorporated in 1984 under the Indian Companies Act, 1956. The company and others hold the large extent of land, which were originally in the hands of foreign companies registered under the English Companies (Consolidation) Act, 1908.

According to HML, the properties are held by it on valid title, being either leasehold or on freehold grants or those liable to be granted on fixity of tenure under KLR Act. The company argued that it has got permission from the Reserve Bank to continue its business activities and none of those properties got vested in the Government. They claimed that there is no prohibition against foreign companies in holding the lands in India or against the successors in interest to enjoy the benefit of the KLR Act. They contended that their title was recognised by way of judgments / orders in innumerable cases of the High Court, subordinate courts and Statutory Authorities like Taluk Land Board, Land Tribunals etc. They argued that the Taluk Land Board, Vythiri exempted 57,568 acres of land out of 59,428 acres in 1982 in favour of the company.

The above contentions were refuted by the Government arguing that the genuineness of the documents had never been examined by any of the courts or authorities. The entitlement of the foreign company to claim rights to hold the properties, after the enactment of Indian Independence Act, the Foreign Exchange Regulation Acts, Indian Companies Act, KLR Act and other land laws, was never examined. Foreign company cannot come within the purview of the term, '*cultivating tenant*'. HML cannot derive any right over the land which was held by the foreign company as on 01.4.1964 or 01.01.1970 when the provisions of the KLR Act came into force. Hence Purchase Certificates should not be issued to foreign companies. The Land Board does not have any right to adjudicate on the title over the

properties. The Government strongly argued that the procedure and the issuance of all those fraudulent and fabricated Purchase Certificates were as a result of the fraud played by the petitioners and their predecessors in interest on judiciary, executive and the public at large. The Government contended that fraud vitiates everything and nullifies the judgment / orders resulted out of fraud and that the petitioners have been abusing the jurisdiction of the Court. It was pointed out that the permission obtained by the company from the Reserve Bank of India and furnished were those obtained for continuing business transactions under section 29 and no permission was sought, granted or produced under section 31 of FERA in order to hold immovable properties, and no permission sought for continuance of its activities, as provided under section 28 of the Act.

In the above circumstance the Hon`ble High Court have gone through each and every contention raised by the petitioner companies and the Government. The Court have examined whether the company could continue to hold these immovable properties and carry on its business without permission under the provisions of FERA 1947 as well as FERA 1973 and whether the permission under section 29(2) of FERA 1973 alone was sufficient. The next question the Court examined was whether a foreign company is entitled to any benefit under the KLR Act. The Hon`ble High Court have observed the definition of a person, which is relevant in this context.

Section 2 (43) defines a 'person' as follows;

"2(43) 'Person' shall include a company, family, joint family, association or other body of individuals, whether incorporated or not, and any institution capable of holding property."

Thus a company whether incorporated or not comes under the definition of '*person*'. The Court have seriously examined whether a company incorporated in London under the English Companies (Consolidation) Act, 1908 can be a *person* under KLR Act. The Court have found out that "*the existing company*", as on the date of enactment of the Indian Companies Act, 1956, must be a company formed and registered under any of the previous companies laws as The Indian Companies Act, 1866; The Indian Companies Act, 1913; The Registration of Transferred Companies Ordinance, 1942. According to Hon`ble High Court it is an admitted fact that M/s Malayalam Plantations (UK) Ltd, was a company incorporated

under the English Companies (Consolidation) Act, 1908 and registered in England. The Foreign Company was never registered in India as stipulated in section 3(2) of the Companies Act, 1956. Therefore the High Court have declared that it cannot be reckoned as a company as envisaged in the definition of '*person*' in section 2(43) of the KLR Act. As the status of *cultivating tenant* under KLR Act is determined on the cut off date on 01.4.1964, M/S Malayalam Plantations (UK) Ltd incorporated in England in this period cannot be considered as a tenant in Kerala. The company, who held land only on freehold grants and leasehold, claimed to have fixity of tenure, is not eligible to get the benefit of a cultivating tenant under the Act. The foreign company does not come under the definition of a company as defined under the Indian Companies Act. Therefore such company shall not come under the definition of '*person*' under section 2(43) of the KLR Act - the Court observed.

In the Foreign Exchange Regulation Act, 1947, as amended by Act 8 of 1952, section 18 (3A) provided that any transfer of interest in any business in India is not valid till such time it is confirmed by the Reserve Bank, on application made to it. Under section 18(3B), no transfer shall be made to such company without permission of the Reserve Bank. Section 18A provided that accepting appointment of any foreign company as agent of such foreign company or its branch, without permission of the Reserve Bank or Central Government, will be void, the Hon`ble High Court pointed out. The provisions contained in section 18A of 1947 Act are contained in section 28(1) and (2) of the 1973 Act, restricting foreign companies, its branches, or any foreign national to act or accept appointment of certain persons and companies as agents or technical or management advisers in India. Agent includes a company or its branch also. The Court also points out that section 31 of FERA, 1973 provides that holding of any immovable property shall be with the permission of the Reserve Bank. **The Hon`ble High Court have seriously observed that M/S HML has furnished several letters it received from the Reserve Bank of India stating that it has got permission to carry on business activities. But none of those letters refer to permission granted under section 31(2) of the Act or under any provision other than section 29(2). The Court have found out that those letters furnished by the company show permissions granted under section 29(2) of the Act which is permission to continue its business in India, on conditions stipulated.** Section 30 of the Act provides that no foreign national shall, without the previous permission of the Reserve Bank of India practise any profession or carry on any occupation, trade or business in India.

From the above provisions, **the Hon`ble High Court have admitted that foreign companies were to get permission in order to carry on their business in the country. They were to get permission in order to hold immovable properties and any of their acts as an agent or branch of foreign company in India without permission was void in the light of the provisions contained in the Acts of 1947 and 1973.**

The Hon`ble High Court also viewed that under the provisions contained in section 596 to 603 of the Indian Companies Act, 1956, they were to furnish return before the Registrar of Companies at New Delhi as well as with the Registrar at the place of business. **The court have prima facie viewed that in the absence of any document to show permission obtained under section 18 and 18A of FERA 1947 Act and sections 28, 30 and 31 of the FERA 1973 Act, the foreign companies were not legally entitled to continue their business in India or to hold immovable properties in India.**

In the above background the Hon`ble High Court have strictly examined the provisions in KLR Act whether such a foreign company could hold immovable property and carry on business, subject to the restrictions in the aforesaid provisions and whether it was entitled to any benefit under KLR Act, 1963. Going by the provisions contained in the KLR Act, taking into account the intent and object behind the Act, **the Court is of the prima facie view that a foreign company cannot be treated as a person coming under the definition of 'person' as defined in KLR Act and hence the company cannot be considered either as a *cultivating tenant* or *tenant*.**

The Hon`ble High Court have noted that the KLR Act was enacted in implementation of the national policy on agrarian reforms with the main object to protect the landless lot from the clutches of the landlords. And, the court viewed that the provisions in the Act have therefore to be construed keeping in mind the object behind this socio - economic legislation.

The Hon`ble High Court are of the considered view that the legislature has not envisaged a situation wherein a foreign company is able to enjoy the benefits available to landless cultivating tenants in the country for fixity of tenure or to avail the benefit of exemption to hold such huge extent of land without being hit by the ceiling provisions.

The Hon`ble High Court have admitted the fact that M/S Malayalam Plantation (UK) Ltd was a company incorporated under the English Companies (Consolidation) Act, 1908 and registered in England. It is not one registered under any of the Companies Act mentioned in Section 3(2) of the Indian Companies Act, 1956 and hence does not come under the definition of ‘existing company’. ***Therefore it cannot be reckoned as a company as envisaged in the definition of ‘person’ in Section 2(43) of the KLR Act, 1963.***

The Hon`ble High Court have also admitted that in the Foreign Exchange Regulation Act, 1947 as amended by Act 8 of 1952, Section 18(3A) provided that any transfer of interest in any business in India is not valid till such time it is confirmed by the Reserve Bank. Under Section 18 (3B), no transfer shall be made to such company without permission to the Reserve Bank. ***Section 18A provided that accepting appointment of any foreign company as agent of such foreign company or its branch without the permission of the Reserve Bank of India or the Central Government will be void.*** The provisions contained in Section 18A of 1947 Act are contained in Section 28(1) & (2) of the FERA, 1973 with certain modifications, restricting foreign companies or its branches or any foreign national to act or accept appointment of certain and companies as agents or technical or management advisers in India. ***Further Section 31 provides that holding of any immovable property shall be with the permission of the Reserve Bank. The court have seriously viewed that M/S HML has furnished several letters it received from the Reserve Bank stating that it has got permission to carry on business activities. But none of those letters refer to permission granted under Section 31(2) of the Act.*** Section 30 of the Act provides that no foreign national shall, without the previous permission of the Reserve Bank of India practise any profession or carry on any occupation, trade or business in India.

The learned single judge has prima facie viewed that in the absence of any documents to show permission obtained under Section 18 and 18A of FERA, 1947 and Section 28, 30 and 31 of FERA, 1973 the foreign company was not legally entitled to continue its business in India or to hold immovable properties. The court was of the prima facie view that a foreign company cannot be treated as a person coming under the definition of ‘person’ as defined in KLR Act and hence cannot be considered as a cultivating tenant or tenant.

The Hon`ble High Court have also noted that KLR Act was enacted in implementation of the national policy on agrarian reforms with the main object to protect the landless lot from the clutches of the landlords. The court have seriously viewed that the legislature has not envisaged a situation where in a foreign company is able to enjoy the benefits available to the landless cultivating tenants in the country for fixity of tenure or to avail the benefit of exemption to hold such huge extent of land without being hit by the ceiling provisions.

The Hon`ble High Court have declared that once it is found that the company cannot be treated as a ‘person’ coming under the purview of KLR Act, petitioners’ claim based on the provisions there in become unsustainable. It is in that event only the Special Officer can be said to have jurisdiction to proceed under KLC Act. Thus the Hon`ble High Court have declared that the Special Officer has jurisdiction to continue the proceedings under KLC Act & Rules. The copy of the Reference Order dated 25.11.2015 is produced as ANNEXURE - L

The Judgment dated 19.9.1984 of the Hon`ble High Court in Company Petition No. 13 of 1983 has also been examined. The Hon`ble High Court have, with strict conditions sanctioned the Scheme of Arrangement and Amalgamation of M/S Malayalam Plantations (India) Ltd and Harrisons & Crossfield (India) Ltd. The 13th paragraph of the Judgment is as follows;

"13. The result is that the scheme of arrangement and amalgamation, namely, Annexure C is hereby sanctioned. Prayers A to F are sanctioned subject to the conditions mentioned in Annexure P, namely, obtaining approval of the Capital Issues (Control) Act and of the Reserve Bank of India under FERA and the amalgamation would be subject to such conditions as may be necessary"

The Hon`ble High Court have observed in the Reference Order dated 25.11.2015 that M/S Harrisons Malayalam Ltd has never complied with the directions (obtaining permissions) of the Hon`ble High Court. The copy of the judgment in CP No.13 of 1983, dated 19.09.1984 is produced as ANNEXURE - M

There is another Judgment of the Hon`ble Supreme Court of India dated 02.04.1974 [94 ITR 479 (SC), 1974 CTR 192 (SC)] in which The Amalgamated Tea Estate Co. Limited and M/S Malayalam Plantations Limited were the petitioners against the Government of Kerala. The companies were registered in Scotland and England respectively of the United Kingdom. The petition was filed under Article 14 of the Constitution of India claiming equality in payment of Agricultural Income - Tax which is 75% of the total income to a foreign company and 60 to 65% of total income to a domestic company. The important observations of the Hon`ble Supreme Court of India is as follows;

*"The petitioners are joint stock companies with limited liability and have been incorporated in the United Kingdom. One of them has its registered office in Scotland, and the other in England. Both of them carry on business also in this country, and particularly in the State of Kerala. In Kerala their main business is one of cultivation and marketing of plantation crops such as tea..... No other facts are disclosed in the petitions.....It is not possible to hold on the meagre facts presented before us that domestic companies and foreign companies carrying on agriculture in the State of Kerala are equally circumstanced. There is no denying the fact that for various reasons a domestic company may be treated differently from a foreign company in the field of taxation.The state might have chosen to give the domestic companies protection against the foreign companies. And there seems to be yet another good reason for this. **The entire income earned by a domestic company from business inside as well as outside India will remain in India. But a good part of the income earned by the petitioners inside India would be drained out of India to the United Kingdom in the shape of dividends, etc. Under the Foreign Exchange Regulation Act, 1947, it is open to a foreign company to transmit money out of India with the permission of the Reserve Bank of India. It is thus evident that a greater part of the income and skill of the domestic companies is likely to be utilized in improving agriculture within the state. It will not be so in the case of foreign companies.**"*

The copy of Judgment of the Hon`ble Supreme Court of India dated 04.04.1974 is produced as **Annexure - N**. From the above judgment it is evidently proved that income from the wealth & property of Kerala has been draining and channelling to the foreign

nations. These type of foreign companies are exploiting our wealth indirectly through their agents in India. Now it is high time to become vigilant and to prevent all types of exploitation by the foreign national as we have our own Constitution and now we are not in the chains of the old colonization, but a free and sovereign power.

Now the Annual Report 2015 - 2016 of M/S Harrison's Malayalam Ltd may be seen. The copy of the Report is produced as ANNEXURE - P. **In page No. 60 of the Independent Auditors' Annual Report shows that according to the information and explanations provided by the company and the records of the company produced to them the title deeds of immovable properties, as disclosed in Note 10 on fixed assets to the financial statements, are held in the name of the M/S Malayalam Plantations Limited / Harrison's & Crossfield Limited other than as set out below, which are in the name of M/s Harrison's Malayalam Ltd.**

	Gross Block	Net Block
Land & Building	Rs 136.72 Lakhs	Rs 32.10 Lakhs

In page No. 74 of the Annual Report (Notes on Fixed Assets) the company again states that the title deeds of the freehold and leasehold land are in the name of M/S Malayalam Plantations (UK) Ltd and M/S Harrison's & Crossfield (UK) Ltd !. They again claim that the assets of the foreign companies were transferred to the Indian Companies through amalgamation ! The Annual Report shows that the company has a Board of Directors now having 8 Members. The whole - time Director is Mr. N. Dharmaraj, whose Annual Remuneration is Rs 85,44,000/- ! Mr. V. Venugopal is the Manager, whose Annual Remuneration is shown as Rs 44,47,000/- ! The above information is given in page No. 50 of the Annual Report, 2015 - 16. And, the above mentioned Director and Manager are introduced as the Key Managerial Personals of M/s Harrison's Malayalam Ltd.

The above foreign companies and Indian Companies simultaneously claim the title and ownership of the Government land in Kerala. A detailed chart showing the inter relation of the Indian companies and foreign companies in chronological order is also attached with this report. They seem to have defrauded the entire judicial system of our country as well as

mocked the sovereignty of India. If so, this amounts to superciliousness and dominance over the sovereign power of our country, which is equivalent to treason and an anti sovereign act.

Since the above acts involves serious fraud and offences against the sovereign power of our country demanding a detailed probe of a superior agency, ***it is highly necessary that the entire transactions including the financial or otherwise that effects territorial integrity of our country, agencies like CBI and Enforcement Directorate may be entrusted with the investigation and further*** it is highly necessary that the actions like forfeiting the assets of the companies and holdings of all those responsible for such acts and registering of crime cases against such persons and bringing them to trial and consequent actions.

Yours faithfully,



M.G. RAJAMANICKAM, IAS.
Special Officer & Collector,
Govt. Land Resumption.

CHART SHOWING THE LAND GRABBING IN KERALA BY FOREIGNERS WEARING MASK OF INDIAN COMPANIES

